

IN RE: PETITION FOR VARIANCE  
N/S of Ruxton Road, 690' W of  
the c/l of Ellenham Avenue  
(1910 Ruxton Road)  
9th Election District  
4th Councilmanic District  
  
John H. LaPorte, Jr., et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 96-185-A  
\*  
\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 1910 Ruxton Road, located in the vicinity of Old Court Road in Towson. The Petition was filed by the owners of the property, John H. LaPorte, Jr., and his wife, Andrea B. LaPorte. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 9 feet in lieu of the minimum required 20 feet, a sum of the side yards of 12 feet in lieu of the required 50 feet for a proposed addition on the northeast side of the existing dwelling, to confirm the proposed rear setback as being within the already approved rear setback granted in prior zoning Case No. 90-261-A, and to amend the previously approved site plan accordingly. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that

ORDER RECEIVED FOR FILING

Date

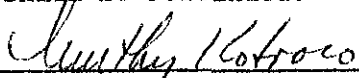
By

the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27<sup>th</sup> day of December, 1995 that the Petition for Administrative Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 9 feet in lieu of the minimum required 20 feet, a sum of the side yards of 12 feet in lieu of the required 50 feet for a proposed addition on the northeast side of the existing dwelling, to confirm the proposed rear setback as being within the already approved rear setback granted in prior zoning Case No. 90-261-A, and to amend the previously approved site plan accordingly, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING  
Date 12/27/95  
By [Signature]

TMK:bjs

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

December 4, 1995

Mr. & Mrs. John H. LaPorte, Jr.  
1910 Ruxton Road  
Baltimore, Maryland 21204

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
N/S of Ruxton Road, 690' W of the c/l of Ellenham Avenue  
(1910 Ruxton Road)  
9th Election District - 4th Councilmanic District  
John H. LaPorte, Jr., et ux - Petitioners  
Case No. 96-185-A

Dear Mr. & Mrs. LaPorte:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management Office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: People's Counsel

File ✓





# Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1910 Ruxton Road

96-185-A

which is presently zoned D.R. 1

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

LB02.3.C.1

(SEE ATTACHMENT)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

An addition, as shown on the attached drawing, will bring the house to within 9.20 feet of the side property line. The house is built at one end of the property near the property line, the septic tank is in the front of the house, and the lot slopes down toward Ruxton Road.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s):

(Type or Print Name)

John H. LaPorte, Jr.

(Type or Print Name)

Signature

Signature

Address

Andrea B. LaPorte

(Type or Print Name)

City State Zipcode

Signature

Attorney for Petitioner:

Thomas K. Farley

(Type or Print Name)

1910 Ruxton Rd. 321-7386

Address

Phone No.

220 Bosley Ave.

Signature

Baltimore, MD 21204

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Towson, MD 21204 828-6889

Address

Phone No.

Name

City State Zipcode

Address

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

ESTIMATED POSTING DATE: \_\_\_\_\_



Printed with Soybean Ink  
on Recycled Paper

ITEM #: 190

MICROFILMED

ORDER RECEIVED FOR FILING

Date By

# Affidavit in support of Administrative Variance 96-185-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1910 Ruxton Rd.  
address  
Baltimore, MD 21204  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

We plan to add an addition to our house which, when completed, will be 9.20 feet from the side property line. Our house is built at one end of the property, and is presently 21 feet from the property line. The septic tank is in the front yard, and the front yard slopes steeply toward Ruxton Rd. Our neighbors on the affected side have no objection. The new addition will house an exercise room on the first level and a master bath and closets on the second level. Former case No. 90-261 allowed a similar variance on the other side of the house.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

John H. LaPorte, Jr.  
(signature)  
John H. LaPorte, Jr.  
(type or print name)



Andrea B. LaPorte  
(signature)  
Andrea B. LaPorte  
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 1st day of November, 19 95, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

John H. LaPorte, Jr. and Andrea B. LaPorte

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

11/1/95  
date

Barbara Lynn Bryant  
NOTARY PUBLIC

My Commission Expires: 11/1/96

ATTACHMENT

96-185-A

1B02, 3.C.1 TO PERMIT A SIDE YD. STBK OF 9 FT IN LIEU OF  
THE REQUIRED 20 FT AND A SUM OF SIDE YARD WIDTH OF 12 FT.  
IN LIEU OF THE REQUIRED 50 FT. AND TO CONFIRM THE PROPOSED  
~~REAR~~ REAR STBK BEING WITHIN THE ALREADY APP'D REAR STBK  
AS SHOWN IN ZONING CASE <sup>PLAN</sup> 90-261-A AND TO AMEND  
SAID PLAN AND ORDER.

MICROFILMED

**ZONING DESCRIPTION**  
**No 1910 RUXTON ROAD**  
**9TH ELECT. DIST. BALTIMORE COUNTY, MD.**

**BEGINNING** in the center of Ruxton Road at a distance of 690'± west of the centerline of Ellenham Avenue, thence binding in the center of Ruxton Road

- ① South  $83^{\circ}29'$  East 10 feet, thence
- ② North  $04^{\circ}40'$  East 169.97 feet, thence
- ③ South  $84^{\circ}22'$  East 272.66 feet, thence
- ④ North  $41^{\circ}30'20''$  West 185.30 feet, thence
- ⑤ North  $15^{\circ}28'40''$  West 46.68 feet, thence
- ⑥ North  $84^{\circ}02'$  West 169.85 feet, thence
- ⑦ South  $05^{\circ}54'$  West 99.26 feet, thence
- ⑧ South  $23^{\circ}56'$  East 81.68 feet, thence
- ⑨ South  $04^{\circ}40'$  West 170 feet to the place of beginning.

190

**ZONING NOTICE**

**VARIANCE**

**PUBLIC HEARING**



**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
Towson, Maryland

96-185-A

District 9th Date of Posting 11/10/95  
Posted for: Voriorica  
Petitioner: John & Andrea LaPorte  
Location of property: 1910 Ruxton Rd  
Location of Signs: Facing roadway on property being zoned  
Remarks: \_\_\_\_\_  
Posted by [Signature] Date of return: 11/17/95  
Number of Signs: 1



BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

100 BY JLL  
No.

DATE 11/2/95 ACCOUNT Rox 6150  
AMOUNT \$ 85.00

RECEIVED FROM: TOM FARLEY  
1910 RUXTON RD.  
FOR: RV(010) 50.00  
1 SIGN 080 35.00

DISTRIBUTION  
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be accessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 190

Petitioner: John H. Laporte, Jr. & Andrea B. Laporte

Location: 1910 Ruxton Rd., Baltimore, MD 21204

PLEASE FORWARD ADVERTISING BILL TO:

NAME: John H. Laporte, Jr.

ADDRESS: 1910 Ruxton Rd., Baltimore, MD 21204

PHONE NUMBER: (410) 321-7386

AJ:ggs

MICROFILMED

(Revised 04/09/93)





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

November 9, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-185-A (Item 190)  
1910 Ruxton Road  
center of Ruxton Road, 690' W of c/l Ellenham Avenue  
9th Election District - 4th Councilmanic  
Legal Owner: John H. LaPorte, Jr. and Andrea B. LaPorte

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before November 12, 1995. The closing date (November 27, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon  
Director

cc: John and Andrea LaPorte  
Thomas K. Farley, Esq.



IN RE: PETITION FOR ZONING VARIANCE  
 N/S of Ruxton Road, 690' +/-  
 W of Ellingham Avenue  
 (1916 Ruxton Road)  
 4th Section District  
 4th Councilmanic District  
 John H. Laporte, et ux  
 Petitioners

\* BEFORE THE  
 \* ZONING COMMISSIONER  
 \* OF BALTIMORE COUNTY  
 \* Case No. 90-261-A  
 \*

\* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The petitioners herein request a variance to permit a side yard setback of 3 feet instead of the required 20 feet, a sum of the side yards of 24 feet instead of the required 80 feet, and a rear yard setback of 5 feet instead of the required 150 feet for a proposed garage addition as more particularly described in petitioner's Exhibit 1.

The petitioners, by Andrea B. Laporte, appeared and testified there were no protestants.

Testimony indicated that the subject property, known as 1916 Ruxton Road, consists of 0.24 acres zoned R.F. 1 and is improved with a two-story, single family dwelling, attached garage and swimming pool. Petitioners propose converting the existing garage to an enlarged kitchen and family room and constructing a new two-car garage onto the existing structure. Testimony indicated that the surrounding properties are developed with single family dwellings and that her nearest neighbor, who would be directly affected by the proposed improvements, has indicated they have no objection to petitioners' plans, as set forth in their letter dated October 1, 1994 signed by petitioner's Exhibit 2. Testimony further indicated that the requested variances will not result in any detriment to the health, safety or general welfare of the surrounding community.

ORDER RECEIVED FOR FILING

Date

11/19/95  
 By [Signature]

RECEIVED

RECEIVED

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 107 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. The proposed conversion of the existing garage to an enlarged kitchen and family room will not afford this property two family status. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

ORDER RECEIVED FOR FILING  
Date 1/17/90  
By [Signature]

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of January 1990 that the Petition for Zoning Variance to permit a side yard setback of 3 feet in lieu of the required 20 feet, a sum of the side yards of 24 feet in lieu of the required 50 feet, and a rear yard setback of 5 feet in lieu of the required 50 feet for a proposed garage addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

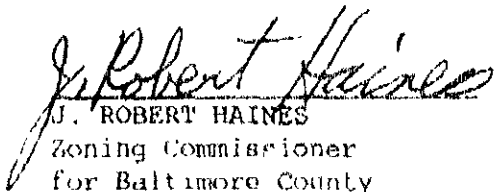
1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

1/17/90 11:53 AM

2) Petitioners shall not allow or cause the accessory structure (proposed garage) to be converted to a second dwelling unit and/or apartments.

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

ord:njs

  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING

Date

By

RECEIVED

Ostergaard  
1904 Ruxton Road  
Baltimore, MD 21204  
October 30, 1995

Hon. Lawrence E. Schmidt  
Zoning Commissioner of Baltimore County  
111 Chesapeake Avenue  
Towson, Maryland 21204

Re: Petition for Administrative Variance - Laporte  
1910 Ruxton Road

Dear Sir:

We are the owners of the property adjacent to that of John H. Laporte, Jr., and Andrea B. Laporte at 1910 Ruxton Road. We have reviewed the plans for the addition to their home.

We understand that, when completed, the addition will be as close as four (4) feet from our property line. We have no objection to this addition and respectfully urge that the administrative variance requested by the Laportes be granted.

Thank you for your consideration of this correspondence.

Sincerely,

  
Eric Ostergaard

  
Gail Ostergaard

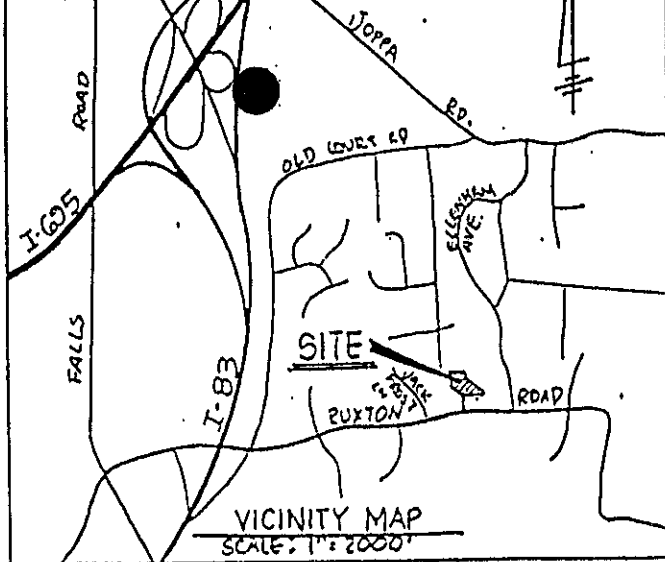
190

DWELLING

OSTERGAARD  
6071-708

PROPOSED  
ADDITION 9.20'  
STBK.  
PROPOSED

100' to EXIST.  
DWELLING



VICINITY MAP  
SCALE: 1" = 2000'

N 84°02'W

POOL

BACK PATIO

EXIST.  
2 STORY  
BRICK  
DWELLING

FRONT

SEPTIC  
TANK

40,249.4 ± SQ FT.

AREA = 0.924 AC.

ZONED DR.1

96-185-A

S 84°22'E

272.66'

TILGHMAN  
6231-135

EXIST  
DWELLING

PRIOR VARIANCE:  
CASE NO. 90-261  
ORDER - 1/17/90

MICROFILMED

4TH COUNCILMANIC DISTRICT

Plat for ZONING VARIANCE

JOHN H. LAPORTE, JR. and ANDREA B. LAPORTE, wife PROPERTY  
LIBER 5721, FOLIO 159 1-27-77

N 1910 RUXTON ROAD

5TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

City water from  
Ruxton Road  
Septic field in front  
SCALE: 1" = 50' of  
house  
OCTOBER 31, 1995



HOFFMAN and HOFFMAN  
SURVEYORS • LAND PLANNERS

5502 STONINGTON AVENUE • BALTIMORE, MARYLAND 21207

HANCOCK  
7066-167

30' USE IN COMMON R/W -  
LIBER 5721-152

ASPHALT DRIVE

170'

169.97'

S 04°40'W

N 04°40'E

\* IN CENTER ROAD \*  
S 83°29'E 10'

RUXTON ROAD

ASPHALT

690'±  
to ELLENHAM  
AVENUE



D.R.3.5

D.R.1

KITTRIDGE

LA.

96-185-A

D.R.1

NW 10 B

#190

90-261-A  
G-20-E-X

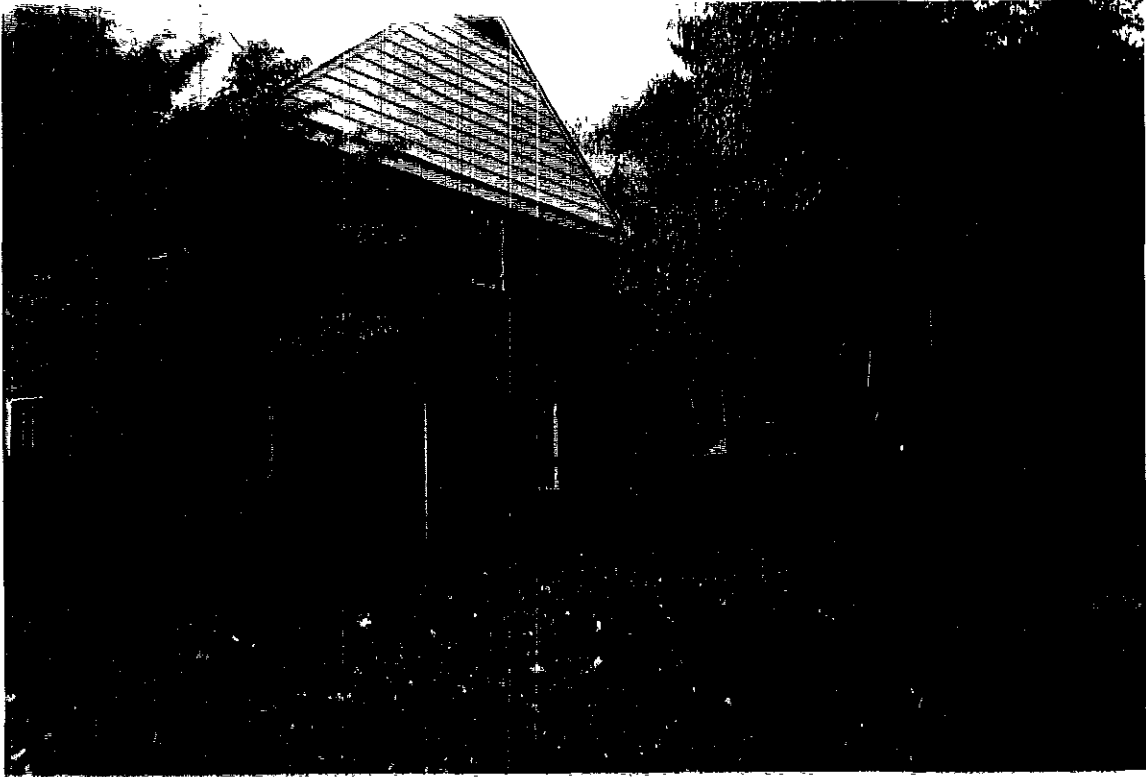
90-452-A  
(S-26)

COURT

MICROFILMED

OLD





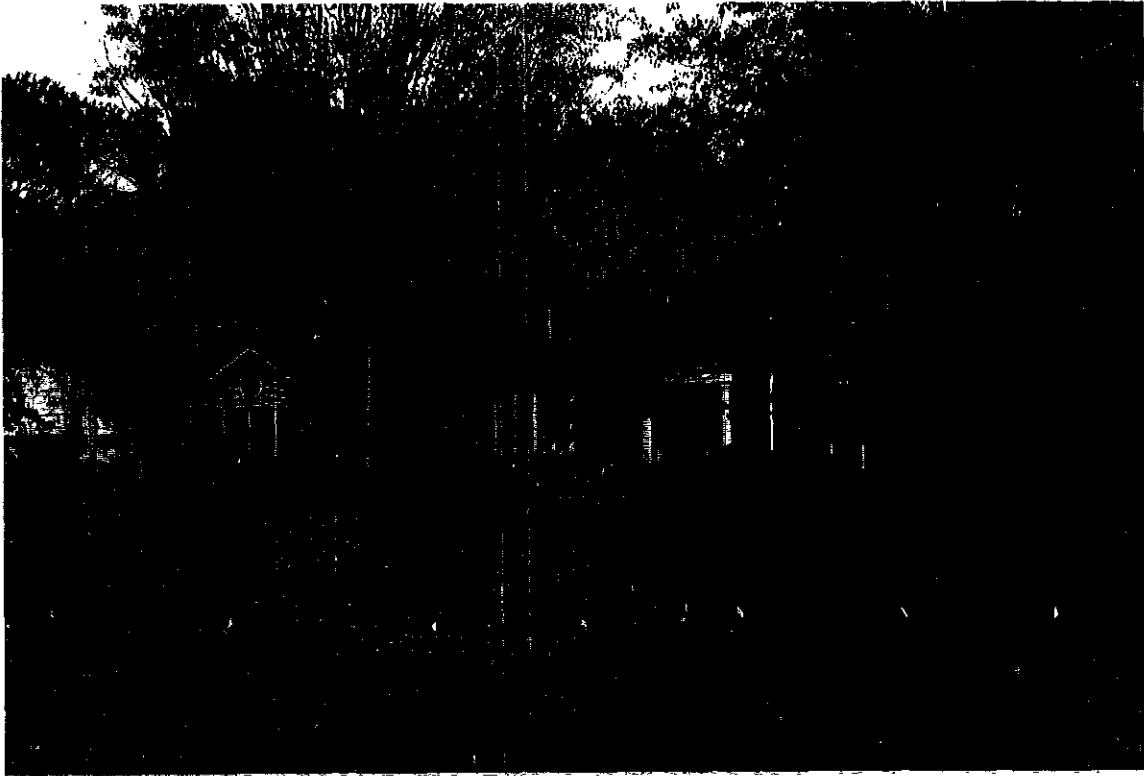
LOCATION OF PROPOSED ADDITION



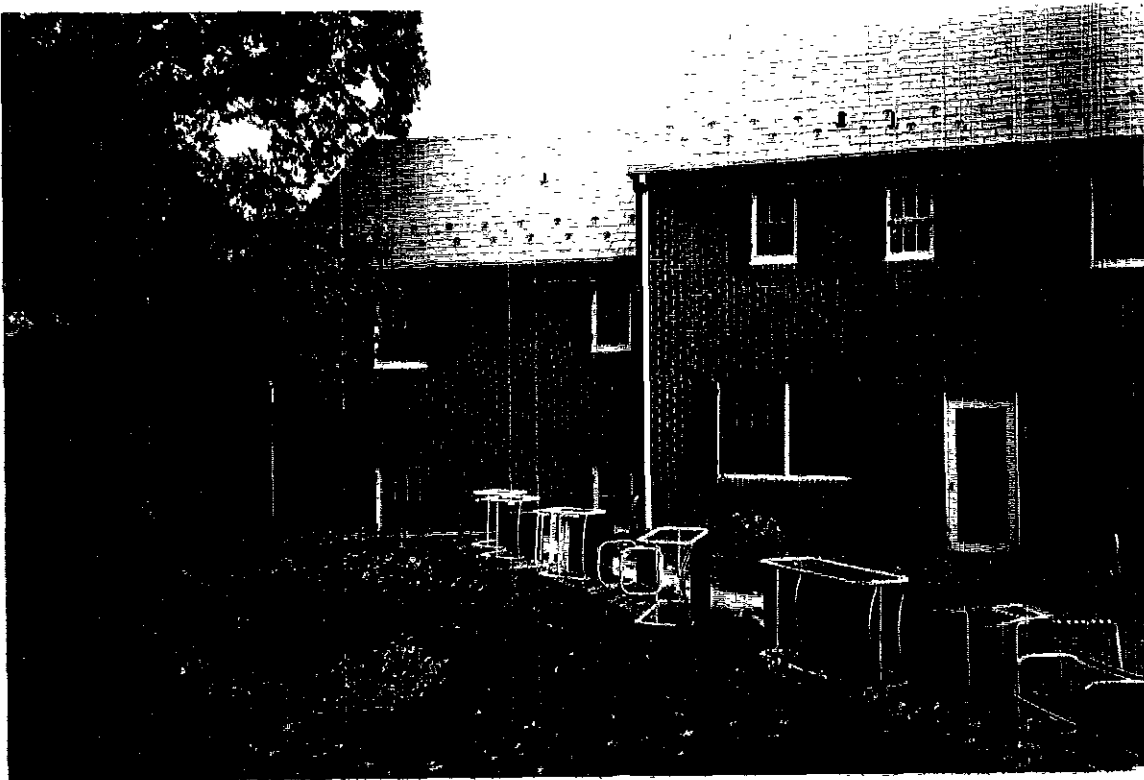
LOCATION OF PROPOSED ADDITION - SECOND VIEW

WICKSTROM

190 96-185-A



EXISTING DWELLING



REAR OF DWELLING SHOWING PROXIMITY OF SWIMMING POOL

190 96-185-A

IN RE: PETITION FOR VARIANCE  
N/S of Ruxton Road, 690' W of  
the c/l of Ellenham Avenue  
(1910 Ruxton Road)  
9th Election District  
4th Councilmanic District  
John H. LaPorte, Jr., et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 96-185-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 1910 Ruxton Road, located in the vicinity of Old Court Road in Towson. The Petition was filed by the owners of the property, John H. LaPorte, Jr., and his wife, Andrea B. LaPorte. The Petitioners seek relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 9 feet in lieu of the minimum required 20 feet, a sum of the side yards of 12 feet in lieu of the required 50 feet for a proposed addition on the northeast side of the existing dwelling, to confirm the proposed rear setback as being within the already approved rear setback granted in prior zoning Case No. 90-261-A, and to amend the previously approved site plan accordingly. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that

the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of December, 1995 that the Petition for Administrative Variance seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 9 feet in lieu of the minimum required 20 feet, a sum of the side yards of 12 feet in lieu of the required 50 feet for a proposed addition on the northeast side of the existing dwelling, to confirm the proposed rear setback as being within the already approved rear setback granted in prior zoning Case No. 90-261-A, and to amend the previously approved site plan accordingly, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

December 4, 1995

(410) 887-4386

Mr. & Mrs. John H. LaPorte, Jr.  
1910 Ruxton Road  
Baltimore, Maryland 21204

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
N/S of Ruxton Road, 690' W of the c/l of Ellenham Avenue  
(1910 Ruxton Road)  
9th Election District - 4th Councilmanic District  
John H. LaPorte, Jr., et ux - Petitioners  
Case No. 96-185-A

Dear Mr. & Mrs. LaPorte:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management Office at 807-3391.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: People's Counsel

File ☒

## Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1910 Ruxton Road 96-185-A

which is presently zoned D.R. 1

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1802.3.C.1 (SEE ATTACHMENT)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

An addition, as shown on the attached drawing, will bring the house to within 9.20 feet of the side property line. The house is built at one end of the property near the property line, the septic tank is in the front of the house, and the lot slopes down toward Ruxton Road.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

(We do solemnly declare and affirm, under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s):

John H. LaPorte, Jr.

*John H. LaPorte, Jr.*

Andrea B. LaPorte

*Andrea B. LaPorte*

1910 Ruxton Rd. 321-7386

Baltimore, MD 21204

Name, Address and phone number of representative to be contacted

Name

Address

Phone No.

City

State

Zip Code

Name, Address and phone number of representative to be contacted

Name

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Phone No.

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## Affidavit in support of Administrative Variance 96-185-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:  
That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at  
1910 Ruxton Rd.  
Baltimore, MD 21204  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

We plan to add an addition to our house which, when completed, will be 9.20 feet from the side property line. Our house is built at one end of the property, and is presently 21 feet from the property line. The septic tank is in the front yard, and the front yard slopes steeply toward Ruxton Rd. Our neighbors on the affected side have no objection. The new addition will house an exercise room on the first level and a master bath and closets on the second level. Former case No. 90-261 allowed a similar variance on the other side of the house.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

*John H. LaPorte, Jr.*  
John H. LaPorte, Jr.  
Type or print name

*Andrea B. LaPorte*  
Andrea B. LaPorte  
Type or print name

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:  
I HEREBY CERTIFY, this 1st day of December, 1995, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared  
John H. LaPorte, Jr. and Andrea B. LaPorte

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.  
11/1/95  
My Commission Expires: 1/1/96

ATTACHMENT 96-185-A

1802.3.C.1 TO PERMIT A SIDE YD. STBK. OF 9 FT. IN LIEU OF THE REQUIRED 20 FT. AND A SUM OF SIDE YARD WIDTH OF 12 FT. IN LIEU OF THE REQUIRED 50 FT. AND TO CONFIRM THE PROPOSED REAR STBK BEING WITHIN THE ALREADY APPVD REAR STBK AS SHOWN IN ZONING CASE 90-261-A AND TO AMEND SAID PLAN AND ORDER.

## ZONING DESCRIPTION No 1910 RUXTON ROAD 9TH ELECT. DIST. BALTIMORE COUNTY, MD.

BEGINNING in the center of Ruxton Road at a distance of 690'± west of the centerline of Ellenham Avenue, thence binding in the center of Ruxton Road  
① South 83°29' East 10 feet, thence  
② North 04°40' East 169.97 feet, thence  
③ South 84°22' East 272.66 feet, thence  
④ North 41°30'20" West 185.30 feet, thence  
⑤ North 15°28'40" West 46.68 feet, thence  
⑥ North 84°02' West 169.85 feet, thence  
⑦ South 05°54' West 99.26 feet, thence  
⑧ South 23°56' East 81.68 feet, thence  
⑨ South 04°40' West 170 feet to the place of beginning.

190

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9th Date of Posting: 11/1/95

Posted for: Variance

Petitioner: John H. LaPorte, Jr.

Location of property: 1910 Ruxton Rd.

Location of Sign: Front yard, as per zoning

Remarks:

Posted by: *Timothy M. Kotroco* Date of return: 11/1/95

Number of Signs: 1

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
DATE: 11/2/95 ACCOUNT: 96-185-A  
AMOUNT: \$ 85.00  
RECEIVED FROM: TOM FARLEY  
1910 RUXTON RD.  
RV(60) 50.00  
SIGN(60) 35.00  
10423 MONTGOMERY RD. BALTIMORE, MD 21204  
BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT





111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

**ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES**

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

**PAYMENT WILL BE MADE AS FOLLOWS:**

- 1) Posting fees will be assessed and paid to this office at the time of filing.
  - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

*Carl Jablon*  
ARNOLD JABLON, DIRECTOR

**For newspaper advertising:**

Item No.: 190

Petitioner: John H. Laporte, Jr. & Andrea B. Laporte

Location: 1910 Ruxton Rd., Baltimore, MD 21204

PLEASE FORWARD ADVERTISING BILL TO:

NAME: John H. Laporte, Jr.

ADDRESS: 1910 Ruxton Rd., Baltimore, MD 21204

PHONE NUMBER: (410) 321-7386

AJ:ggg

(Revised 04/09/93)



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

November 9, 1995

**NOTICE OF CASE NUMBER ASSIGNMENT**

Re: Case Number: 96-185-A (Item 190)  
1910 Ruxton Road  
center of Ruxton Road, 690' +/-  
9th Election District - 4th Councilmanic  
Legal Owner: John H. Laporte, Jr. and Andrea B. Laporte

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3353. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before November 12, 1995. The closing date (November 27, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

*Carl Jablon*  
ARNOLD JABLON  
Director

cc: John and Andrea Laporte  
Thomas K. Farley, Esq.

Printed with Soybean Ink  
on Recycled Paper

IN RE: PETITION FOR ZONING VARIANCE  
N/S of Ruxton Road, 690' +/-  
W of Ellenham Avenue  
(1910 Ruxton Road)  
9th Election District  
4th Councilmanic District  
John H. Laporte, et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 90-261-A

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Petitioners herein request a variance to permit a side yard setback of 3 feet in lieu of the required 20 feet, a sum of the side yards of 24 feet in lieu of the required 50 feet, and a rear yard setback of 5 feet in lieu of the required 50 feet for a proposed garage addition as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Andrea B. Laporte, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 1910 Ruxton Road, consists of 0.924 acres zoned D.R. 1 and is improved with a two story single family dwelling, attached garage and swimming pool. Petitioners propose converting the existing garage to an enlarged kitchen and family room and constructing a new two car garage onto the existing structure. Testimony indicated that the surrounding properties are developed with single family dwellings and that her nearest neighbor, who would be directly affected by the proposed improvements, has indicated they have no objections to Petitioners' plans, as set forth in their letter dated October 3, 1989, marked Petitioner's Exhibit 2. Testimony further indicated that the requested variances will not result in any detriment to the health, safety or general welfare of the surrounding community.

ORDER RECEIVED FOR FILING  
Date  
By

*John H. Laporte, Jr.*  
*Andrea B. Laporte*

*RECEIVED*

Ostergaard  
1904 Ruxton Road  
Baltimore, MD 21204  
October 30, 1995

Hon. Lawrence E. Schmidt  
Zoning Commissioner of Baltimore County  
111 Chesapeake Avenue  
Towson, Maryland 21204

Re: Petition for Administrative Variance - Laporte  
1910 Ruxton Road

Dear Sir:

We are the owners of the property adjacent to that of John H. Laporte, Jr., and Andrea B. Laporte at 1910 Ruxton Road. We have reviewed the plans for the addition to their home.

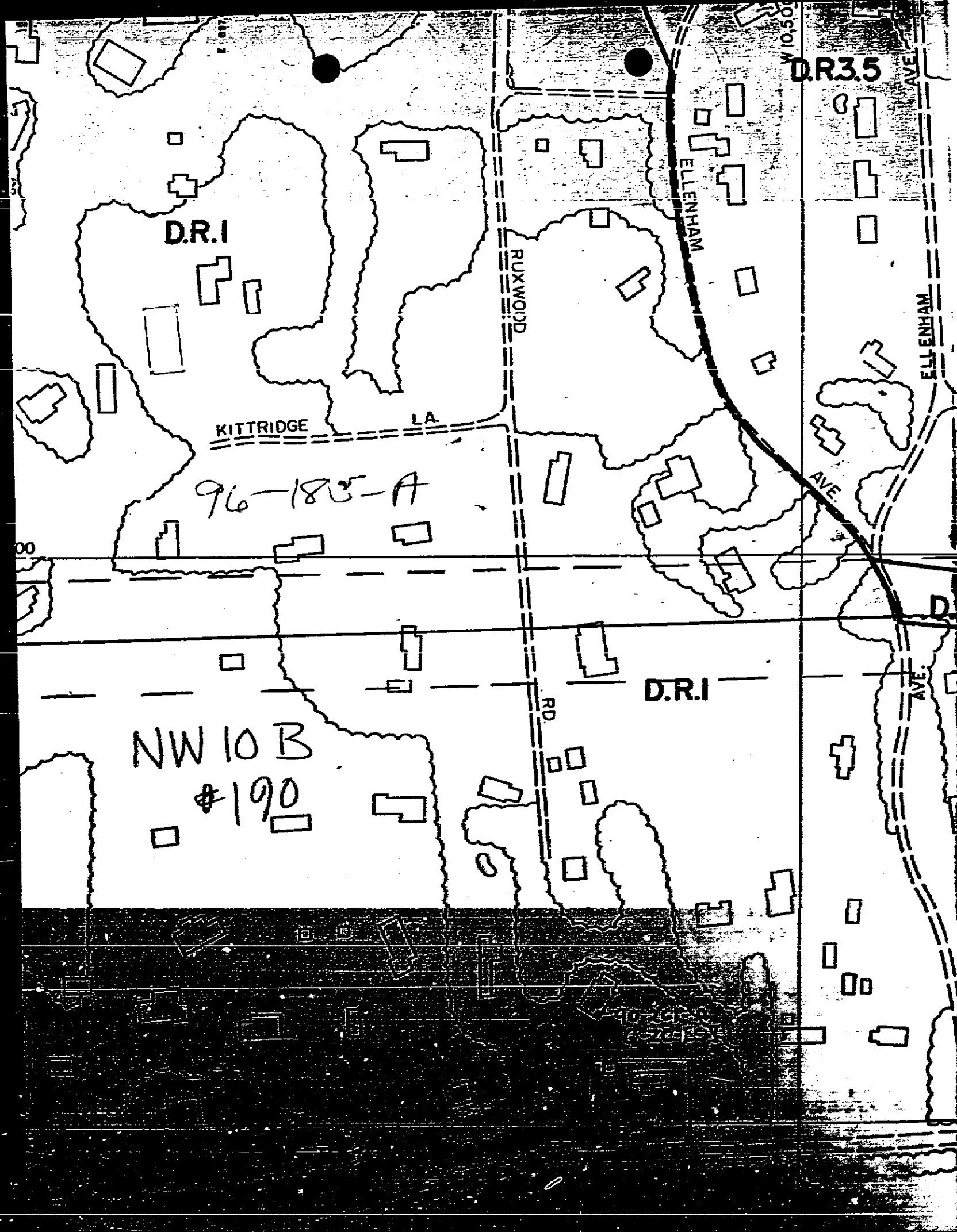
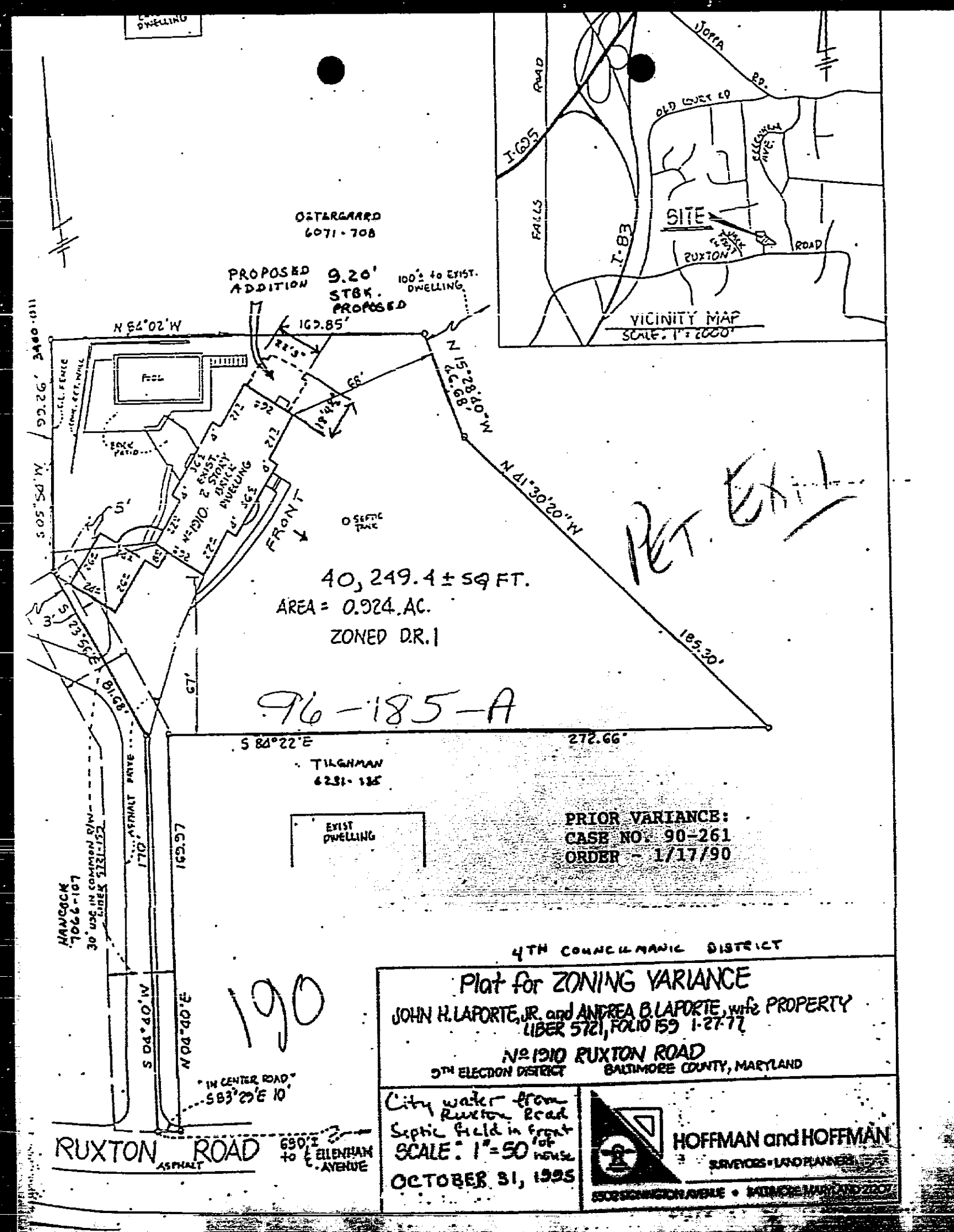
We understand that, when completed, the addition will be as close as four (4) feet from our property line. We have no objection to this addition and respectfully urge that the administrative variance requested by the Laportes be granted.

Thank you for your consideration of this correspondence.

Sincerely,

*Eric Ostergaard*  
Eric Ostergaard  
Gail Ostergaard

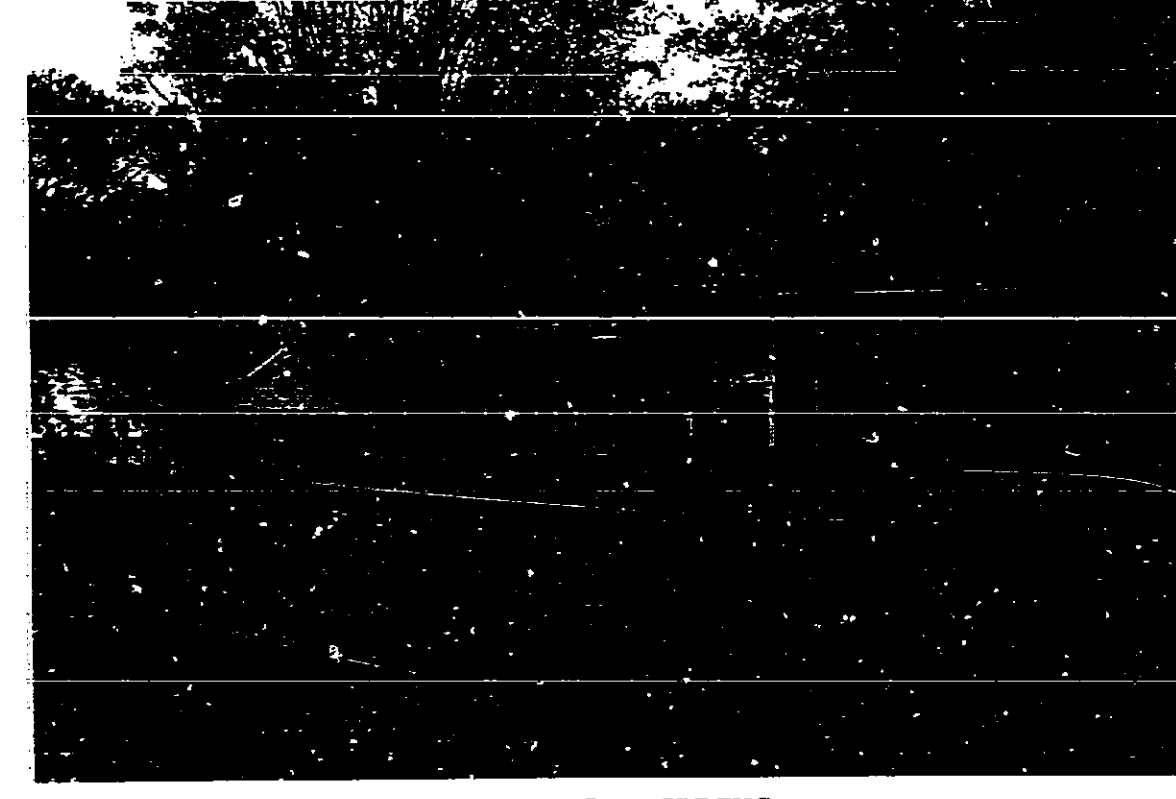
190



LOCATION OF PROPOSED ADDITION



LOCATION OF PROPOSED ADDITION - SECOND VIEW



EXISTING DWELLING



REAR OF DWELLING SHOWING PROXIMITY OF SWIMMING POOL



96-185-A



BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401

SCALE  
1" = 200' ±

LOCATION

SHEET

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

RUXTON

N.W.  
10-B